

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

**STEVEN DONALDSON and
ALMA JO DONALDSON,**

Plaintiffs,

vs.

FORD MOTOR COMPANY,

Defendant.

No. C12-0079

**ORDER REGARDING
DISCOVERY DEADLINE**

This matter comes before the Court on the Joint Motion for Extension of Discovery Deadline (docket number 11) filed by the parties on July 8, 2013. The parties ask that the discovery deadline be extended from July 8 to October 7. The parties also ask that the dispositive motions deadline be extended from August 2 to October 31.

Plaintiffs Steven Donaldson and Alma Jo Donaldson initially brought this action in the Iowa District Court for Hardin County on July 13, 2012. Plaintiffs seek damages from Defendant Ford Motor Company, alleging that “[o]n September 7, 2008, the Ford Fusion (owned by Plaintiffs) spontaneously caught on fire as a result of a design or manufacturing defect and destroyed the vehicle and caused substantial damage to their residence.” Ford removed the action to this Court on August 10, 2012, and filed an answer on August 17.

On November 5, 2012, the Court adopted a proposed Scheduling Order and Discovery Plan submitted by the parties. Among other things, the parties agreed to a July 8, 2013 deadline for completion of discovery, with dispositive motions to be filed not later than August 2, 2013. Also at that time, the parties agreed to have the case referred to the undersigned magistrate judge for the conduct of all further proceedings, pursuant to

28 U.S.C. § 636(c). In reliance on the pretrial deadlines agreed to by the parties, a jury trial has been scheduled for December 9, 2013.

Now, the parties ask that the discovery deadline and dispositive motions deadline be extended by approximately three months. The dispositive motions deadline suggested by the parties (October 31) is less than six weeks prior to the trial. A resistance to a motion for summary judgment filed on the deadline would not be due until November 25, with a reply due not later than December 5 — four days prior to trial. Nonetheless, the parties incredibly assert that “[t]here will be no change to the December 9, 2013 trial date.”¹

The deadlines established in a scheduling order may be modified only for good cause. FED. R. CIV. P. 16(b)(4). *See also* Local Rule 16.f (“The deadlines established by the Rule 16(b) and 26(f) scheduling order and discovery plan will be extended only upon written motion and a showing of good cause.”).

According to the motion, the parties are waiting for a report from one of Plaintiffs’ retained expert witnesses. The parties also anticipate that following receipt of the report, Defendants’ retained expert witness “will likely conduct a thorough physical inspection of the subject vehicle.” This case has been pending for nearly one year. The parties have known of the deadlines for more than eight months. The Court concludes that the parties have failed to show good cause why the deadline should be extended. Nonetheless, the Court will extend the discovery deadline to August 2.

¹ The Court also notes that there is a final pretrial conference scheduled on November 15; with a proposed final pretrial order, trial briefs, requested instructions, and motions *in limine* due not later than November 8 — just eight days after the proposed deadline for filing dispositive motions.

ORDER

IT IS THEREFORE ORDERED that the Joint Motion for Extension of Discovery Deadline (docket number 11) filed by the parties is **GRANTED in part** and **DENIED in part** as follows:

1. The discovery deadline is **EXTENDED** to **August 2, 2013**.
2. The parties' request to extend the dispositive motions deadline is **DENIED**.
3. *No further extensions will be granted.*
4. *The parties are reminded that December 9, 2013 remains a firm trial date.*

DATED this 8th day of July, 2013.



JON STUART SCOLES
CHIEF MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA